

FILED
9/28/21 9:34 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: Joseph S. Marton, Jr. and
Kara S. Marton**

Debtor(s).

)
) **Case No. 18-22150-JAD**
)
) **Chapter 13**
) Related to Docs. #102, 105, 107
X

ORDER OF COURT
(Check Boxes That Apply)

☒ **Confirming Plan on Final Basis**

☐ **Chapter 13 Plan dated:**

☐ **Authorizing Distributions Under Plan
On Interim Basis Solely as Adequate
Protection**

☒ **Amended Chapter 13 dated:
August 19, 2021**

IT IS HEREBY ORDERED that pursuant to the plan identified above (the "Plan"), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee's next available distribution date after the first day of the month following the date on which this Order is entered on the Court's docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$, beginning. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee's TFS online payment program.
- ☐ B. The length of the Plan is changed to a total of at least ____ months. This

statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.

- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. *Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.* The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
-
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:
-

- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
-
- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
-
- ☒ K. Additional Terms and Conditions:
*Albert Galatin Area School District & Fairchance Boro claim #9 govern plus additional tax year paid per plan in the amount of \$2,559.34
*IRS claim #18 govern plus additional tax year paid per plan in the amount of \$4,312.33

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a

revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.L.B.R. 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed *secured claim* (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: September 28, 2021


United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk

In re:
Joseph S. Marton, Jr.
Kara S. Marton
Debtors

Case No. 18-22150-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Sep 28, 2021

User: culy
Form ID: pdf900

Page 1 of 3
Total Noticed: 37

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 30, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Joseph S. Marton, Jr., Kara S. Marton, 311 Sheldon Avenue, Fairchance, PA 15436-1073
14854425	+ Alb Gall ASD & Fairchance Bor c/o SWRTB, One Centennial Way, Scottsdale, PA 15683-1741
14854426	++ BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238 address filed with court:, Bank of America, P.O. Box 982235, El Paso, TX 79998-2235
14883878	+ Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
14884578	+ FAIRCHANCE BOROUGH/ALBERT GALLATIN SCHOOL DISTRICT, C/O SOUTHWEST REGIONAL TAX BUREAU, ONE CENTENNIAL WAY, SCOTTDALE, PA 15683-1741
14854434	FedLoan Servicing, P.O. Box 69184, Harrisburg, PA 17106-9184
14854440	PNC Cardmember Services, P.O. Box 3429, Pittsburgh, PA 15230-3429
14858850	+ Simmons Bank, PO Box 6609, Pine Bluff AR 71611-6609
14854442	Simmons Bank, P.O. Box 84042, Columbus, GA 31908-4042
14955385	U.S. Department of Education, c/o FedLoan Servicing, P.O. Box 69184, Harrisburg, PA 17106-9184
14863967	#+ Wells Fargo Bank, N.A., Default Document Processing, N9286-01Y, 1000 Blue Gentian Road, Eagan MN 55121-1663
14854444	+ Wells Fargo Home Mortgage, Attn: Bankruptcy Mail, 3476 Stateview Road, Fort Mill, SC 29715-7203
14892547	eCAST Settlement Corporation, PO Box 29262, New York NY 10087-9262

TOTAL: 13

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: acg.acg.ebn@americaninfosource.com	Sep 28 2021 23:51:18	Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
14854427	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Sep 28 2021 23:51:22	Capital One, c/o TSYS Total Debt Management, P.O. Box 5155, Norcross, GA 30091
14854428	+ Email/PDF: AIS.COAF.EBN@Americaninfosource.com	Sep 28 2021 23:51:18	Capital One Auto Finance, 3905 North Dallas Parkway, Plano, TX 75093-7892
14859133	+ Email/PDF: acg.acg.ebn@americaninfosource.com	Sep 28 2021 23:51:18	Capital One Auto Finance, a division of Capital On, P.O. Box 4360, Houston, TX 77210-4360
14881015	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Sep 28 2021 23:51:26	Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
14854431	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Sep 28 2021 23:51:23	Citi Card, P.O. Box 6500, Sioux Falls, SD 57117-6500
14854432	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Sep 29 2021 00:06:23	Citi Diamond Preferred Card, P.O. Box 6500, Sioux Falls, SD 57117-6500
15138599	Email/Text: sbse.cio.bnc.mail@irs.gov	Sep 28 2021 23:48:00	Department of Treasury, Internal Revenue Service, Centralized Insolvency Operation, P.O. Box 7346, Philadelphia, PA 19101-7346
14854433	Email/Text: mrdiscen@discover.com		

District/off: 0315-2

User: culy

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Date Rcvd: Sep 28, 2021

Form ID: pdf900

Total Noticed: 37

		Sep 28 2021 23:48:00	Discover, P.O. Box 30421, Salt Lake City, UT 84130-0421
14859361	Email/Text: mrdiscen@discover.com		
		Sep 28 2021 23:48:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
14854435	Email/Text: bankruptcy@huntington.com		
		Sep 28 2021 23:48:00	Huntington National Bank, Bankruptcy Department, 2361 Morse Road--NC2W12, Columbus, OH 43229-5856
14854436	Email/PDF: gecsed@recoverycorp.com		
		Sep 28 2021 23:51:26	J C Penney/Synchrony Bank, Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060
14854429	Email/PDF: ais.chase.ebn@americaninfosource.com		
		Sep 28 2021 23:51:17	Chase, P.O. Box 15298, Wilmington, DE 19850-5298
14854430	Email/PDF: ais.chase.ebn@americaninfosource.com		
		Sep 28 2021 23:51:26	Chase/Amazon.com, P.O. Box 15123, Wilmington, DE 19850-5298
14854443	Email/PDF: ais.chase.ebn@americaninfosource.com		
		Sep 28 2021 23:51:26	Slate/Chase, P.O. Box 15299, Wilmington, DE 19850-5299
14891142	Email/PDF: resurgentbknotifications@resurgent.com		
		Sep 28 2021 23:51:27	LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14854437	Email/PDF: gecsed@recoverycorp.com		
		Sep 28 2021 23:51:26	Lowe's/Synchrony Bank, Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060
14854439	Email/Text: Bankruptcy.Notices@pnc.com		
		Sep 28 2021 23:48:00	PNC Bank, Consumer Loan Center, 2730 Liberty Avenue, Pittsburgh, PA 15222
14891199	Email/Text: Bankruptcy.Notices@pnc.com		
		Sep 28 2021 23:48:00	PNC Bank, N.A., PO Box 94982, Cleveland, OH 44101
14855610	+ Email/PDF: rmsced@recoverycorp.com		
		Sep 28 2021 23:51:26	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14854438	Email/PDF: gecsed@recoverycorp.com		
		Sep 28 2021 23:51:26	Paypal Buyer Credit/Synchrony Bank, Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060
14894607	+ Email/Text: bncmail@w-legal.com		
		Sep 28 2021 23:48:00	SYNCHRONY BANK, c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
14854441	Email/PDF: Citi.BNC.Correspondence@citi.com		
		Sep 28 2021 23:51:27	Sears Mastercard, P.O. Box 6282, Sioux Falls, SD 57117-6282
14858992	+ Email/Text: bankruptcy@huntington.com		
		Sep 28 2021 23:48:00	The Huntington National Bank, PO Box 89424, Cleveland, OH 44101-6424

TOTAL: 24

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Wells Fargo Bank, N.A.
cr	*P++	PNC BANK RETAIL LENDING, P O BOX 94982, CLEVELAND OH 44101-4982, address filed with court., PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTAL: 1 Undeliverable, 2 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities

District/off: 0315-2

User: culy

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Date Rcvd: Sep 28, 2021

Form ID: pdf900

Total Noticed: 37

in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 30, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 28, 2021 at the address(es) listed below:

Name	Email Address
Daniel R. White	on behalf of Joint Debtor Kara S. Marton sheila@zeblaw.com;r63228@notify.bestcase.com;elisa@zeblaw.com;gianna@zeblaw.com
Daniel R. White	on behalf of Debtor Joseph S. Marton Jr. sheila@zeblaw.com;r63228@notify.bestcase.com;elisa@zeblaw.com;gianna@zeblaw.com
Jerome B. Blank	on behalf of Creditor Wells Fargo Bank N.A. pawb@fedphe.com
Maria Miksich	on behalf of Creditor PNC BANK N.A. mmiksich@kmlawgroup.com
Mario J. Hanyon	on behalf of Creditor Wells Fargo Bank N.A. wbecf@brockandscott.com, mario.hanyon@brockandscott.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com

TOTAL: 7